

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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Shine Dingle and Dwayne Hicks,

Plaintiffs,

-against-

The City of New York et al,

Defendants

14-CV-7136 (RJD)(PK)

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**DECLARATION OF ROBERT MARINELLI IN SUPPORT OF
PLAINTIFF'S MOTION FOR ATTORNEYS' FEES AND COSTS**

ROBERT MARINELLI declares, pursuant to 28 U.S.C. § 1746 and under penalty of perjury, as follows:

1. I operate a small law firm in Downtown Manhattan.
2. I submit this declaration in support of plaintiff's motion for legal fees, costs and expenses, pursuant to 42 U.S.C. §1988.
3. I worked on this matter with Co-Counsel, Gregory Zenon.
4. As discussed herein, counsel is requesting \$27,520.00.
5. This figure is based on the undersigned having expended 62.8 hours up to the point of the entry of judgment, and 6 hours preparing this motion for fees. At an hourly rate of \$400 for a total of \$25,120 prior to the entry of judgment and \$2,400 post judgment for a total of \$27,520.00.

Counsel's Background and Rate

6. I attended Brooklyn Law School, graduating in May 1992. I was admitted to practice law in the State of New York in 1993 and Southern and Eastern Districts in 2001. I have an extensive background in the area of civil rights law.
7. From the years 1998 through 2008, for the most part, I represented indigent clients in various New York State criminal and family courts. Initially as a lawyer with the Legal Aid Society of Orange County, and thereafter as part of a small partnership with Richard Cardinale and Michael Hueston.¹ During this partnership I actively participated in scores of civil rights matters.
8. I have tried over 20 criminal cases to verdict and have perfected scores of appeals to New York State Appellate Courts.
9. Since starting my own practice in 2008 I have prosecuted hundreds of §1983 cases, in the Eastern District and Southern Districts of New York, I have tried eight civil rights cases in Federal Court and one in State Court.

The Requested Hourly Rate of \$400 Is Reasonable

10. On behalf of the plaintiff, I am seeking to recover attorney's fees at the hourly rate of \$400 for my work in this matter. In making this request, I have assessed the rates of other attorneys like myself who have been practicing a similar period of time and who have attained a similar level of expertise.
11. I have handled hundreds of cases involving claims of police misconduct that ended in favorable settlements for my clients. As discussed in the accompanying memorandum of

¹ Mr. Hueston left the partnership in 2007.

law, an hourly rate of \$400 is reasonable for an attorney with over twenty years of experience and eight years of specialized litigation in police misconduct matters.²

12. The fees and costs set forth in this herein do not include any further work which may be necessary on this motion (such as a Reply to Defendants' Opposition), or work to be performed in response to the Court's actions with respect to this fee application, including any appeals the parties may take. If warranted, plaintiffs will supplement this request for fees and costs to reflect all work done in this matter from this point forward.

² This is in addition to my active participation in scores of police misconduct cases while in partnership with Richard Cardinale and Michael Hueston.

Conclusion

13. In sum, all of the time expended was reasonable and necessary to properly represent plaintiffs. On plaintiffs' behalf, I submit that I should be awarded costs and attorneys' fees totaling \$27,520.00 for work in this matter.

Dated: New York, New York
March 4, 2019

/s

Robert Marinelli